

LAW OFFICES OF  
**MICHAEL A. GOLDFARB**  
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SEATTLE, WASHINGTON 98121

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MICHAEL A. GOLDFARB  
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<b>RECEIVED BY BPA FOIA OFFICE THIS DATE:</b> 11/29/04
<b>DUE DATE:</b> 1/3/05
<b>LOG #</b> 05-010

November 16, 2004

Ms. Annie Eissler, FOIA Officer  
Bonneville Power Administration  
Routing: KDP-4  
P.O. Box 3621  
Portland, OR 97208

Re: FOIA Request

Dear Ms. Eissler:

Pursuant to the Freedom of Information Act ("FOIA"), we would like to receive the following documents:


All federal regulations, policies, standards and guidelines or other documents used by the Bonneville Power Administration ("BPA") for deciding:

- a. When a BPA decision is "final" under section 16 U.S.C. § 839f(e)(5) of the Northwest Power Act;
- b. When BPA prepares a Record of Decision;
- c. When BPA makes a Record of Decision available to the public or interested parties; and
- d. How the Record of Decision is made available (i.e., mailing, publication in the Federal Register, posting on BPA web site, etc.).

We are willing to pay copy and search charges not to exceed \$100. Please call if you have any questions or problems with this request.

Thank you.

Very truly yours,



Michael A. Goldfarb

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December 14, 2004

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Portland, OR 97208

Re: FOIA Nos. 05-010, 05-011, 05-012 and 05-013

Dear Ms. Eissler:

Your office recently acknowledged receiving several requests for information under the Freedom of Information Act. Those requests were sent via first class U.S. Mail on November 16, 2004, and logged as FOIA Nos. 05-010, 05-011, 05-012 and 05-013.

In your letters acknowledging receipt, you claim that our requests were received on November 29, 2004. It is not unreasonable to assume that a letter sent via U.S. Mail will arrive within three calendar days. Such an assumption, in fact, is supported by the Federal Rules of Appellate Procedure. See. FRAP 26(c) (3 calendar days are added to the prescribed period).

Unless your office can show otherwise, we must assume that these letters were actually received by BPA on November 19, 2004.

The Freedom of Information Act mandates that "Each agency, upon any request for records. . . shall-- determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefore." U.S.C. § 552(6)(A)(i).

As it is reasonable to assume that our requests were actually received by your office on November 19, 2004, a response to our requests is due no later than December 21, 2004. If our determination of the corrected response date is inaccurate, please advise us in writing.

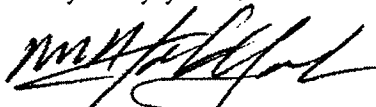
Annie Eissler, FOIA Officer

December 14, 2004

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Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael A. Goldfarb", written in a cursive style.

Michael A. Goldfarb

cc: Steve Larson

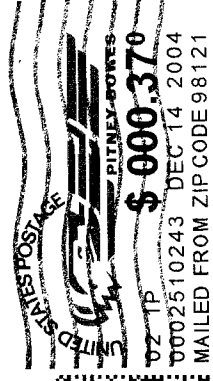
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